



H.R. 5892 – VETERANS DISABILITY BENEFITS CLAIMS MODERNIZATION ACT OF 2008

FLOOR SITUATION

H.R. 5892 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative John Hall (D-NY) on April 24, 2008. The House Committee on Veterans' Affairs agreed to the bill by voice vote on April 30, 2008.

H.R. 5892 is expected to be considered on the floor of the House on July 29, 2008.

SUMMARY

Combat Definition

The bill clarifies the current definition of 'combat with the enemy' to include active service during combat operations during a period of war, or as being engaged in combat against a hostile force during a period of hostilities.

Veterans' Affairs Office of Survivor Relations

H.R. 5892 directs the Secretary of Veterans' Affairs to establish an Office of Survivor Relations within the Veterans' Benefits Administration. The Office is to provide the necessary assistance and benefit services that the Department of Veterans' Affairs (VA) offers to the surviving relatives of deceased veterans and service members. The Director of this Office is to act as the primary advisor to the Secretary on all matters pertaining to policies, legislation, programs, issues, and initiatives affecting the survivors of veterans and service members.

The bill also allows eligible survivors to become substitute claimants for a veteran's pending benefits upon their death. The survivor would be able to continue the veteran's claim and continue to submit evidence on behalf of the claim for up to one year after the death of the veteran. The bill would only allow for one accrued claim by a now deceased veteran to be pursued at a time. This provision would be effective upon enactment of H.R. 5892.

Studies Required

The bill requires the Secretary to conduct several studies. These include a study analyzing how adjustments made to the Veterans Affairs Schedule for Rating Disabilities (VASRD) may affect the quality of life and loss of earnings capacity of veterans. The study is to be completed within 190 days of the enactment of H.R. 5892.

The Secretary is to establish an 18 member advisory panel to act as the Secretary's advisor on making revisions and readjustments to the VASRD. The panel is to make annual reports available to the Secretary on recommendations including an assessment of the needs of veterans with respect to disability compensation and a report on how the VA is meeting these needs.

Additionally, the bill requires the Secretary to submit to Congress a proposed plan and timeline (not to exceed three years) for suggested readjustments to the VASRD. This proposal must be made taking into account current medical and technological concepts, practices, and standards.

VA Employee Work Credit and Performance Improvement

The legislation also requires the Secretary to conduct a study on the employee work credit system of the employees of the VA's Veterans Benefit Administration. The study is to focus on improving the quality, performance, and accuracy of claims for benefits made, and how it plans on implementing an improved system for measuring work production within 180 days of enactment.



LEGISLATIVE DIGEST

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BACKGROUND

According to the VA, there were over 24 million veterans in America in 2007, with over 3.58 million veterans and survivors receiving compensation and benefits under programs administered by the VA for 2006. This included more than 2.7 million veterans receiving service-related disability benefits and over 325 thousand surviving relatives receiving service connected benefits.

According to the Army, the VASRD is used by both the VA and the Department of Defense (DOD) as a guide for evaluating all diseases and injuries that are encountered by veterans as a result of, or incident to service in the military. It is used by the DOD to rate an individuals ability to continue active duty in the military and by the VA as a system to rate the employability of injured veterans by civilian employers.

The VA currently offers a range of benefits to the surviving spouse, dependent children and parents of deceased veteran's military service members. Benefits available for surviving spouses include a death pension, home loan guarantees, bereavement counseling, educational assistance, as well as certain medical and veteran burial benefits.

COST

The Congressional Budget Office did not have a cost estimate available for H.R. 5892 as of July 28, 2008.

STAFF CONTACT

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